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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,366	02/18/2000	Yoshinori Rokugo	040447/0210	8232

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FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/506,366

Applicant(s)

ROKUGO ET AL.

Examiner

Inder P Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 3-4,11,12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This is in response to application filed 2/18/00.

Claim Objections

2. a. Claim 1 recites limitation "proper VPI value", in line 5, whereas "proper VPI" is recited in line 7 of claim 1. This leads to confusion and lacks antecedent basis. Further, claims 2 (line 5), claim 3 (line 4), claim 4 (line 5), claim 5 (line 6), claim 9 (lines 8 and 9), claim 10 (line 6), claim 11 (lines 7 and 12), claim 13 (line 4), and claim 14 (lines 6 and 13) also recite "proper VCI" which lacks antecedent basis if "value" is not affixed.

Appropriate correction or clarification is required.

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- b. Claim 13 recites "specific VPI and VCI" in line 4. It needs to be clarified whether it also needs to be affixed with "value".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 5-6, 11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. Claim 5 (line 7) recites "**said network device** which transmits said fifth specific ATM cell", whereas claim 11 (line 5) recites "a fifth transmission step for transmitting *from*

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said user device to said network device, a fifth specific ATM cell". In other words, claim teaches, network device transmits fifth specific ATM cell, whereas claim teaches that user device transmits fifth specific ATM cell. It, therefore, leads to confusion and is indefinite.

Appropriate correction or clarification is required.

b. Claims 6 (lines 3- 4) recites a limitation, "*sixth specific ATM cell towards all of said user devices*", and claim 14 (lines 8-10) recites a limitation, "*a sixth specific ATM cell for permitting said request, from said network device to all of said devices*", whereas claim 11 (lines 8-9) recite a limitation, "a sixth transmission step for transmitting from said network *device to said user device a sixth specific ATM cell* for permitting said request". In other words, claims 6 and 14 recite more than one user device, whereas claim 11 recite one user device only. It is indefinite and causes confusion.

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 7-10, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Petler** (US Patent No. 6,081,519), in view of **Shobatake** (US Patent No. 5,872,786).

For claims 1, 9 and 17, Petler discloses an ATM network system which comprises a

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network device and a plurality of user devices, refer to fig. 1, abstract, col. 1 lines 60-col. 2 line 35;

Petler, further, discloses, "said network device receives a first specific ATM cell from a user device-----transmits a second specific ATM cell which is loaded with a proper VPI value on an information field-----hold said proper VPI, refer to col. 6 lines 24-35;

Petler does not disclose expressly, "holds said proper VPI"; however, Petler uses the allocated VPI value to send /communicate with the destination device designated by VPI (the device begins to send the information with the appropriate VPI, refer to col.6 lines 34-36) ;

Shobatake discloses, "holds said proper VPI", refer to col. 47 lines 55-64;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of holding VPI value allocated by an ATM network device for communication by the user devices. The holding of VPI value can be implemented by combining/storing it into the user devices as taught by Shobatake. The suggestion/motivation to do so would have been to facilitate proper communication and ensure sufficient bandwidth.

For claims 2, 6 and 10, Petler discloses all the features of the subject matter of claims 1 and 9, as above, including the limitation, "said user includes a confirmation means for transmitting a -----holding said proper VPI, -----said network device includes a confirmation response means for transmitting a fourth specific ATM cell-----", refer to col. 6 lines 33-36 and col. 6 lines 46-49.

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For claims 7-8 and 15-16, Petler discloses the features of the subject claims 1 and 9, including the limitations, “wherein said user device transmits said first specific ATM cell, after completing a communication with said network device”, refer to col. 8 lines 14-24; and “wherein said specific ATM cell has a specific VPI and VCI in its cell header”, refer to col. 7 lines 58-col. 8 line 2 and col. 8 lines 16-18.

7. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Petler** in view of **Shobatake**, as applied to claims 1 and 9 above, and further in view of **Tanaka et al** (US Patent No. 5,339,318), hereinafter, Tanaka.

For claims 5 and 13, Petler and Shobatake discloses all the limitations and subject matter of claims 5 and 13, with the exception of the limitations, “ a number of said user devices connected with a channel of said network device is limited within a prescribed number”; and

Shobatake discloses all the limitations and subject matter of claims 5 and 13, including limitation, “ said proper VPI is different from each other within a channel of said network device which transmits said fifth ATM cell”; refer to fig. 3 and col. 14 lines 55-64;

Tanaka discloses, “ a number of said user devices connected with a channel of said network device is limited within a prescribed number”; refer to col. 2 lines 37-47;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of limited number of devices in a channel and different VPI for each device in a channel, as taught by Shobatake and Tanaka. These capabilities can be implemented by combining them into the user devices and ATM as taught by Shobatake and

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Tanaka. The suggestion/motivation to do so would have been to facilitate proper communication and ensure sufficient bandwidth.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Petler** and **Shobatake**, as applied to claim 17 above, and further in view of **Easki et al** (US Patent No. 5,440,547), hereinafter Easki.

For claim 18, Petler and Shobatake disclose all the features and limitations of the subject matter of claim 18, with the exception of the limitation, “an initializing step for initializing said VPI once held in common by said network device and said user device”;

Easki discloses the limitation, “an initializing step for initializing said VPI once held in common by said network device and said user device”, refer to col. 7 lines 27-35 and col. 17 lines 8-25;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of initializing VPI value once held in common by network device and user device, as taught by Easki. The step of initializing of VPI value can be implemented by combining/storing it into the user devices as taught by Easki. The suggestion/motivation to do so would have been to facilitate proper communication and ensure sufficient bandwidth.

Allowable Subject Matter

9. Claim 3-4, 11-12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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2. The following is a statement of reasons for the indication of allowable subject matter:

As recited by claim 3,

“initializing means for initializing said proper VPI, -----transmission means for transmitting said sixth specific ATM cell in response to said fifth specific ATM cell”;

As recited by claims 11 and 14,

“transmitting, from said user device to said network device, ----for requesting an initialization of said proper VPI”; “permitting said request-----; and an initializing step for initializing said proper VPI held by said user device”;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Feldman (US Patent No. 6,148,000) discloses a switching apparatus for receiving and transmitting data units each segmented into a series of cells of data.
- Lundback et al (US Patent No. 6,480,492) discloses establishing internal control paths in ATM node.

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Conclusion

12. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, sixth floor (Receptionist).

Inder Mehra
Inder Mehra

June 25, 2003



DANGLTON
PATENT EXAMINER